HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.17265 OF 2000

–

Between:

Sanjanna
.....Petitioner

AND

A.P. Transco,
represented by its Director,
Vidyut Soudha,
Hyderabad & another.
.....Respondents

:: O R D E R ::

Counsel for the petitioner : Sri T.Nagarjuna Reddy for Sri T.Niranjan Reddy

Counsel for the respondents : Sri Samineni Kishore

24th January, 2007

In this petition, the petitioner has prayed for quashing communication dated 11-7-2000, vide which Superintending Engineer, Operation Circle, Mahbubnagar (respondent No.2) rejected his candidature for appointment

as Junior Lineman on the ground that the work certificate produced by him is not genuine.

The petitioner possesses the qualification of SSC. He has also passed ITI course. He is said to have worked with the contractor namely, Jayanth Reddy who was executing projects/works on behalf of the erstwhile Andhra Pradesh State Electricity Board (for short, 'the Board'), under the name and style of Raghavendra Engineers and Contractors, Mahbubnagar. He filed Writ Petition No.32350 of 1997 with the complaint that the respondents have not considered his case for appointment in terms of the policy contained in B.P.Ms.No.36, dated 18-5-1997. The same was disposed of by the learned Single Judge with a direction to the respondents to interview him. Thereafter, he was interviewed by respondent No.2, but the result of selection was not announced. He then filed Writ Petition No.25717 of 1999, which was disposed of by the learned Single Judge at the admission stage by directing the respondents to declare the result of interview. Thereafter, respondent No.2 issued the impugned communication, whereby he rejected the petitioner's candidature on the ground that the service certificate produced by him is not genuine and is not acceptable. This is evinced from the following extracts of communication dated 11-7-2000:

> "In the reference 1st cited, the Hon'ble High Court passed orders that "to consider the claim of the petitioner in the light of B.P.Ms.No.36, dated 18-5-1997 provided he is eligible for absorption.
>
> In pursuance of the above orders of the High Court, you have been interviewed on 28-10-1997 by the selection committee.

On verification of records produced by you, the following was noticed.

"The Agreement Numbers given in the service certificate do not pertain to the works taken up by the contractor who issued the Service Certificate. Hence, the certificate produced by you is not acceptable as it is not a genuine."

In view of the above, your case for appointment for the post of Junior Lineman cannot be considered and hence rejected."

The petitioner has questioned the rejection of his candidature on the ground of arbitrariness and discrimination. In paragraph 3 of his affidavit, the petitioner has averred that the contractor under whom he worked was assigned work relating to repair of transformers in different Mandals of Mahbubnagar. In paragraph 7, he has averred that Divisional Engineer, Transformers and Assistant Engineer (Technical) inspected the premises of the contractor in May, 2000 and even verified the wage registers for the years 1989 to 1997 and appended their signatures. In paragraph 8, he has referred to the letter written by Additional Assistant Engineer, Operations, verifying the service certificate dated 22-4-2000 issued by the contractor and averred that the failure of respondent No.2 to consider the service certificate in a correct perspective has resulted in violation of his right to equality. In paragraph 10, the petitioner has averred that even the contract labour working under unlicensed contractors were considered eligible, but his candidature was rejected ignoring the fact that he had served under the contractor for 11 years.

I have heard learned counsel for the parties and perused the record. In my opinion, the writ petition is liable to be dismissed because the petitioner has not produced before the Court certificate dated 22-4-2000 issued by the contractor and the letter allegedly written by the Additional Assistant Engineer, Operations, verifying the contents of the certificate. Without perusing the certificate, it is not possible for this Court to make any comment on its genuineness or otherwise. Moreover, the question whether the certificate produced by the petitioner is genuine or not cannot be properly adjudicated by this Court in exercise of power under Article 226 of the Constitution of India, and an effective alternative remedy is available to the petitioner by way of civil suit.

With the above observations, the writ petition is dismissed leaving the petitioner free to avail appropriate legal remedy.

G.S.SINGHVI, C.J.

24th January, 2007.

ARS